

# HOUSE BILL REPORT

## SSB 6476

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**As Passed House:**  
March 5, 2020

**Title:** An act relating to increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities.

**Brief Description:** Increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities.

**Sponsors:** Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Stanford, Darneille, Wilson, C., Nguyen, Hasegawa and Saldaña).

**Brief History:**

**Committee Activity:**

Public Safety: 2/25/20, 2/27/20 [DP];

Appropriations: 2/29/20 [DP].

**Floor Activity:**

Passed House: 3/5/20, 68-29.

**Brief Summary of Substitute Bill**

- Expands the definition of "immediate family," with whom an inmate may have an extended family visit, to include aunts, uncles, and immediate family of adopted or adopting inmates.
- Increases the inmate indigency level from \$10 to \$25.
- Establishes requirements related to minimum frequency of access to Department of Corrections (DOC) commissary programs.
- Requires the DOC to post certain information on its website related to telecommunication and electronic media services contracts, and requires vendors to provide specified information to the DOC.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 9 members: Representatives Goodman, Chair; Davis, Vice Chair; Appleton, 2nd Vice Chair; Sutherland, Assistant Ranking Minority Member; Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass. Signed by 2 members: Representatives Klippert, Ranking Minority Member; Graham.

**Staff:** Omeara Harrington (786-7136).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 25 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Dolan, Fitzgibbon, Hansen, Hoff, Hudgins, Kilduff, Macri, Pettigrew, Ryu, Senn, Springer, Steele, Sullivan, Sutherland, Tarleton and Tharinger.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Dye, Kraft, Mosbrucker, Schmick and Ybarra.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Corry.

**Staff:** Yvonne Walker (786-7841).

### **Background:**

#### Extended Family Visits.

Persons confined in Department of Corrections (DOC) facilities may apply for extended family visits if they meet certain qualifying criteria established in DOC policy. Extended family visits are authorized visits between an inmate and a member of his or her immediate family that occur in a private visiting unit located at the correctional facility where the inmate is confined. Immediate family includes the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to or in a state registered domestic partnership with an inmate. Immediate family does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

#### Indigency Level for Persons Incarcerated in Department of Corrections Facilities.

Inmates are expected to contribute financially toward costs of incarceration and medical copays. Assessments for supplies or services, when an inmate is unable to pay upfront, are recorded as a debt to the DOC, which the DOC may recoup from the inmate's institutional account when the account exceeds the indigency level. Additionally, the Secretary of the DOC is directed to make certain deductions from an inmate's wages, gratuities, and worker's compensation benefits, for taxes, legal financial obligations, and child support obligations. The formula for distribution of offender funds cannot reduce an inmate's account below the indigency level.

An inmate is considered indigent when he or she has less than a \$10 balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the 30 days prior to the request.

#### Commissary Program.

The DOC operates a commissary, which is a store system that provides inmates with the opportunity to purchase personal items that are not furnished by the facility. Inmates with money in their institutional account may purchase comfort items such as personal care items and food and beverages, while those without funds are limited to basic hygiene and correspondence items sold to them by creating a debt on their institutional account. Purchases may be made from the commissary on specifically assigned days by submitting an order via telephone, or order form.

#### Contracts for Telecommunication Services and Electronic Media Services.

The DOC maintains rules and policies for telephone use, electronic mail (e-mail), and video visitation by inmates in state correctional facilities. Currently, the DOC has a contract with ConnectNetwork by Global Tel Link for telephone services. Inmates are provided access to public telephones, subject to limitations and restrictions. Under DOC policy, rates and surcharges for telephone services must be comparable to those charged to the general public, and any deviation from ordinary consumer rates reflect actual costs associated with providing services in a correctional setting. The DOC also currently contracts with JPay to provide certain communication and electronic media services to inmates, including e-mail, video visitation, videogram, and media players. Rates vary by the type of service.

#### **Summary of Bill:**

##### Extended Family Visits.

The definition of immediate family, used for determining the category of persons with whom an inmate may have an extended family visit, is expanded. Aunts, uncles, and the immediate family of an inmate who was adopted as a child or adult qualify as immediate family. The exclusion of the immediate family of an adopted or adopting inmate, when the adoption was between two inmates, is removed.

##### Indigency Level for Persons Incarcerated in Department of Corrections Facilities.

The inmate indigency level is increased. An inmate is considered indigent when he or she has less than a \$25 balance (rather than a \$10 balance) of disposable income in his or her institutional account on the day a request is made to utilize funds and during the 30 days prior to the request.

##### Commissary Program.

In providing access to a facility commissary program, the DOC is strongly encouraged to provide, at a minimum, weekly access to the program across all total confinement institutions. The DOC may not reduce frequency of commissary access at institutions that already have weekly access to the commissary program.

By December 1, 2020, the DOC facilities must provide access to the commissary program at least 26 times per year or once every two weeks at all total confinement institutions.

##### Contracts for Telecommunication Services and Electronic Media Services.

Any contract to provide inmates with access to telecommunication services and electronic media services in state correctional facilities must be made publicly available and posted on the DOC's website. Certain contract information must be prominently displayed, including:

- rates for facilitating telecommunication services including, but not limited to, phone calls, video visitation, videograms and video clips, e-mails, and accessing music and entertainment;
- fees charged for money transfers and transactions, maintenance of financial accounts, and any other fee charged to the user to facilitate the money transfer or online deposit account; and
- all fees or costs charged to the inmate or customer in exchange for use of telecommunication or electronic media services through the contract.

By July 1 of each year, the contractor that provides inmates with access to telecommunication services and electronic media services must report certain information to the DOC, including:

- a summary of services offered at each correctional facility;
- rates charged for, or associated with, providing each type of service including, but not limited to, monthly financial account maintenance fees, transaction fees associated with money transfers, per call and connection surcharges, bill statement fees, and refund fees;
- a total accounting of commissions provided to the DOC or to correctional facilities;
- a summary and accounting of services used by inmates categorized as indigent;
- one-time and ongoing costs incurred for installing and maintaining hardware;
- average customer service response time rates per facility and the average time taken to resolve an issue or provide a refund for defective services; and
- an accounting of all revenues or losses incurred by the contractor by quarter.

By November 1 of each year, the DOC must report to the Governor and Legislature on contracts for telecommunication services and electronic media services and the contractor's annual compliance with its reporting requirements.

These requirements apply to any contract currently in effect, and to any contract renegotiation, renewal, or extension.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Public Safety):**

(In support) The \$10 indigency cap is set in statute, and it is the amount of money available for commissary that is not subject to deduction. It has not been adjusted in 25 years. If a person cannot secure employment within the DOC, the cap being only \$10 makes it very difficult to purchase hygiene items. For someone with a 90 percent deduction rate, families have to send \$10 for every \$1 of buying power to purchase things like shampoo, deodorant, and edible food. Access to commissary varies among institutions, and the schedules are difficult to track. Some inmates only get commissary access once a month, whereas the women's facility has weekly commissary. If a facility only has commissary once per month,

the \$10 indigency cap means that the person only has \$10 per month to purchase commissary items.

Family connections are critical and reduce recidivism. Immediate family, as currently defined, does not include everyone providing parenting support. Limiting definitions of immediate family can interfere with that support and increase recidivism. People who are incarcerated cannot retreat into a chrysalis and isolate themselves from the negative influences of prison, and they must rely on determination and family advice. An aunt who raised a person who ended up being incarcerated was denied visitation because she did not qualify as an immediate family member. She was the only person available to visit him. Eventually the DOC allowed visitation, but only because she had previously been a legal guardian. Another person had to choose between visiting her nephew and visiting her son, who was also incarcerated. Other people have had issues with the DOC recognizing adoptive family, and have been told they are subject to a three-year trial period. Being treated as legal family is crucial and provides access to family programs. Additionally, a person can only be on one incarcerated person's visitation list, and can only financially support the person they are on the visiting list for. The number of family who can be on the visitation list should not be limited. Terminology should be changed in the statute to reflect a more rehabilitative focus.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) Most people have no idea how much it costs to support a family member who is incarcerated. Family and friends of inmates often send money to incarcerated offenders to help pay for food, phone calls, books, and other commissary items. However, any money that is sent to an offender that is over the indigent cap is subject to certain deductions to pay for items such as cost of incarceration, child support, restitution to the victim, and other fees. The enactment of this bill, which raises the indigent cap from \$10 to \$25, will ease the financial burden on families by increasing the amount of money that would be available to offenders. Although the cost of commissary items has risen over the years, the indigent cap in statute has not been raised in over 25 years.

(Opposed) None.

**Persons Testifying (Public Safety):** Melody Simle, Noreen Light, and Susan Cooksey, Washington Coalition for Prison Reform; and Byron Coates.

**Persons Testifying (Appropriations):** Noreen Light, Washington Coalition for Prison Reform.

**Persons Signed In To Testify But Not Testifying (Public Safety):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.